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SENATE BILL 1520 By
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HOUSE BILL 1639
By Sargent

AN ACT to amend Tennessee Code Annotated, Section 29-16-106; Section 29-17-803; Section 29-17-809 and Title 66, Chapter 25, relative to eminent domain proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-16-106, is amended by adding the following language at the end of the section:

Notwithstanding the foregoing, a party having an interest in such land or rights which has not been properly recorded, including any holder of a mortgage or lien, need not be named as a defendant, but any such party shall be bound by the proceedings. The naming of any party shall be sufficient as to all transferees or assignees of such party's interest in such land or rights if the transfer or assignment has not been properly recorded. It shall be the duty of any party named as a defendant within ten (10) days after receipt of notice of the proceedings to forward a copy of such notice to any transferee or assignee of such party's interest. A party who is not named as a defendant, but who has an interest in the land or rights which may be the subject of pending eminent domain proceedings, may petition the court to intervene in the proceedings.

SECTION 2. Tennessee Code Annotated, Section 29-17-803, is amended by adding a new subsection thereto, as follows:

(d) Notwithstanding any other provision to the contrary, a party having an interest in such land or rights which has not been properly recorded, including any holder of a mortgage or lien, need not be named as a defendant, but any such party shall be bound by the proceedings. The naming of any party shall be sufficient as to all transferees or assignees of such party's interest in such land or rights if the transfer or assignment has not been properly recorded. It shall be the duty of any party named as a defendant within ten (10) days after receipt of notice of the proceedings to notify any transferee or assignee of such party's interest. A party who is not named as a defendant, but who has an interest in the land or rights which may be the subject of pending eminent domain proceedings, may petition the court to intervene in the proceedings.

SECTION 3. Tennessee Code Annotated, Section 29-17-809, is amended by deleting the section in its entirety and by substituting instead the following:

If any person who is a proper party defendant in the petition shall have been omitted from the petition, or if any person who is not a proper party defendant has been named as a defendant in the petition, amendments to the same may be filed to add or remove such person as a defendant, which amendments, from the filing of the same, shall have the same effect as though contained in such petition.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.